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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,066	10/17/2003	Gregory Scott Clark	215.1022.01	8137
22883	7590	03/14/2006	EXAMINER	
SWERNOFSKY LAW GROUP PC P.O. BOX 390013 MOUNTAIN VIEW, CA 94039-0013			NEURAUTER, GEORGE C	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 03/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,066	Applicant(s) CLARK, GREGORY SCOTT	
	Examiner George C. Neurauter, Jr.	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09232004</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-22 are currently presented and have been examined.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 23 September 2004 was filed after the mailing date of the instant application on 17 October 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claim 9 is objected to because of the following informalities:

Claim 9 is dependent on itself. In view of the claim language, the Examiner will assume that claim 9 is dependent from claim 8.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the

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invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-12, and 14-22 are rejected under 35

U.S.C. 102(e) as being anticipated by US Patent Application

Publication 2003/0033517 A1 to Rutherglen et al.

Regarding claim 1, Rutherglen discloses a method of transferring a file to or from a server (referred to throughout the reference as a "database server") past a firewall, comprising the steps of:

accessing a web site ("application server"; paragraph 0032) behind the firewall, the web site having a web page including an applet, and the web site associated with the server; receiving the web page and the applet from the web site; (paragraph 0031)

sending the applet to an application at a file transfer gateway ("database proxy object"); and transferring the file between the file transfer gateway and the server through the firewall. (paragraphs 0020, 0030, 0038, and 0040)

Regarding claim 2, Rutherglen discloses a method as in claim 1, wherein the web site is at a collaboration manager separate from the server. (paragraphs 0031, specifically "In the example shown, the...system may include an application server 60 and a database server 62." (see also Figure 1) and paragraph

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0105, specifically "In another scenario, the database server and the application server are on separate physical machines...")

Regarding claim 4, Rutherglen discloses a method as in claim 1, wherein accessing the web site and receiving the web page and the applet are performed using a web browser..

(paragraph 0030)

Regarding claim 5, Rutherglen discloses a method as in claim 4, wherein the web browser and the file transfer gateway are implemented on a client. (paragraphs 0030 and 0038)

Regarding claim 6, Rutherglen discloses a method as in claim 1, wherein the application at the file transfer gateway is a file transfer service implemented on a client or edgebox.

(paragraph 0038)

Regarding claim 7, Rutherglen discloses a method as in claim 6, wherein transferring the file between the file transfer gateway and the server is performed over a virtual channel between the file transfer service at the file transfer gateway and a file transfer adapter at the server. (paragraphs 0038 and 0040)

Regarding claim 8, Rutherglen discloses a method as in claim 1, wherein the file is transferred in chunks. (paragraphs 0036 and 0037)

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Regarding claim 9, Rutherglen discloses a method as in claim 8, as assumed above, wherein the chunks are transferred using a basic hypertext transport mechanism. (paragraphs 0036 and 0037)

Regarding claim 10, Rutherglen discloses a method as in claim 1, further comprising the step of encrypting, decrypting, or performing some other operation on the file before or after transferring the file. (paragraphs 0020, 0030, 0038, and 0040; see also Figures 3A and 3B)

Regarding claim 11, Rutherglen discloses a method of transferring a file to or from a server past a firewall, comprising the steps of:

authenticating access by a requestor to a web site behind the firewall, the web site having a web page including an applet, and the web site associated with the server; sending the web page and the applet to the requestor; receiving a request from the requestor to transfer the file to or from the requestor; transferring the file between the file transfer gateway and the server through the firewall. (paragraphs 0008, 0020, 0030, 0031, 0038, and 0040)

Regarding claim 12, Rutherglen discloses a method as in claim 11, wherein the requestor is a browser or edgex. (paragraph 0030)

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Claims 14-18 are also rejected since these claims recite substantially the same limitations as recited in claims 2 and 7-10 respectively.

Regarding claim 19, Rutherglen discloses a method of downloading a file from a server past a firewall, comprising the steps of:

registering with the server behind the firewall; polling the server for files to be downloaded; and downloading the file from the server through the firewall over a virtual channel; wherein the file is transferred in chunks using a basic hypertext transport mechanism. (paragraphs 0036-0038, 0040, and 0082)

Claim 20 is also rejected since claim 20 recites substantially the same limitations as recited in claim 10.

Claims 21 and 22 are also rejected since claims 21 and 22 recites substantially the same limitations as recited in claims 19 and 10 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutherglen in view of "Java Applet Signing Guide" to Wilson.

Regarding claim 3, Rutherglen discloses a method as in claim 1, wherein a user accessing the web site is authorized prior to retrieval of the applet. (paragraph 0008, 0030, and 0036)

Rutherglen does not expressly disclose wherein the applet is signed, however, Wilson does disclose this limitation (page 5, first paragraph)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since Wilson discloses that signing applets

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enables the user to determine whether the source of the applet can be trusted (page 5, first paragraph). In view of these specific advantages and that the references are directed to using applets in order to communicate information between a client and a server in a secured manner, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor, which would lead one of ordinary skill to reasonably expect a successful combination of the teachings.

Claim 13 is also rejected since claim 13 recites substantially the same limitations as recited in claim 3.

Conclusion

It is noted that the column, line, and/or page number citations used in the prior art references as applied by the Examiner to the claimed invention are for the convenience of the Applicant to represent the relevant teachings of the prior art. The prior art references may contain further teachings and/or suggestions that may further distinguish the citations applied to the claims, therefore, the Applicant should consider the entirety of these prior art references during the process of responding to this Office Action. It is further noted that any alternative and nonpreferred embodiments as taught and/or

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suggested within the prior art references also constitute prior art and the prior art references may be relied upon for all the teachings would have reasonably suggested to one of ordinary skill in the art. See MPEP 2123.

The prior art listed in the PTO-892 form included with this Office Action disclose methods, systems, and apparatus similar to those claimed and recited in the specification. The Examiner has cited these references to evidence the level and/or knowledge of one of ordinary skill in the art at the time the invention was made, to provide support for universal facts and the technical reasoning for the rejections made in this Office Action including the Examiner's broadest reasonable interpretation of the claims as required by MPEP 2111 and to evidence the plain meaning of any terms not defined in the specification that are interpreted by the Examiner in accordance with MPEP 2111.01. The Applicant should consider these cited references when preparing a response to this Office Action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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